

**MEDICAL EXAMINING BOARD
MEETING MINUTES
August 19, 2015**

PRESENT: Mary Jo Capodice, D.O. (*via GoToMeeting*); Greg Collins; Rodney Erickson, M.D.; Suresh Misra, M.D. (*via GoToMeeting, joined the meeting at 8:54 a.m.*); Carolyn Ogland Vukich, M.D.; Michael Phillips, M.D.; Kenneth Simons, M.D.; Sridhar Vasudevan, M.D. (*via GoToMeeting, joined the meeting at 8:42 a.m. and left at 9:45 a.m., rejoined the meeting at 11:18 a.m. and was excused at 11:25 a.m.*); Timothy Westlake, M.D., Russell Yale, M.D.; Robert Zondag

EXCUSED: David Roelke, M.D.

STAFF: Tom Ryan, Executive Director; Nilajah Madison-Head, Bureau Assistant; and other Department staff

CALL TO ORDER

Kenneth Simons, Chair, called the meeting to order at 8:00 a.m. A quorum of nine (9) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda:

- *Remove Items:*
 - C) 8:00 A.M. – APPEARANCE – DSPS Attorney Yolanda McGowan – Presentation on Petition for Summary Suspension and Designation of Hearing Official
 - 1) APPEARANCE – 15 MED 150 and 15 MED 151 – Troy D. Schrock, D.O.
 - P) Deliberation on Petition for Summary Suspension and Designation of Hearing Official
 - 1) 15 MED 150 and 15 MED 151 – Troy D. Schrock, D.O.

MOTION: Greg Collins moved, seconded by Michael Phillips, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Timothy Westlake moved, seconded by Robert Zondag, to approve the minutes of July 15, 2015 as published. Motion carried unanimously.

ADMINISTRATIVE UPDATES

APPEARANCE - Sarah Norberg, Supervising Attorney, Division of Legal Services and Compliance – Screening Panel Discussion

MOTION: Robert Zondag moved, seconded by Mary Jo Capodice, to authorize a special reoccurring screening panel to address complaints involving death to be held in between regularly scheduled screening panel meetings as needed. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS**Scope Statement Relating to Telemedicine**

MOTION: Timothy Westlake moved, seconded by Robert Zondag, to approve the Scope Statement on Med 23 relating to telemedicine for submission to the Governor's Office and publication, and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

Update***Med 1 and 14 – General Cleanup of Administrative Rules***

MOTION: Greg Collins moved, seconded by Carolyn Ogland Vukich, to designate the Chair to serve as liaison to DSPS staff for drafting Med 1 and 14 relating to general cleanup of Administrative Rules. Motion carried unanimously.

SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATION REQUEST(S)

MOTION: Rodney Erickson moved, seconded by Russell Yale, to designate Timothy Westlake to speak on the Board's behalf at the Wisconsin Psychiatric Association Annual Meeting on October 16, 2015. Motion carried unanimously.

CLOSED SESSION

MOTION: Michael Phillips moved, seconded by Carolyn Ogland Vukich, to convene to Closed Session to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 448.02 (8), Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Mary Jo Capodice – yes; Greg Collins – yes; Rodney Erickson – yes; Carolyn Ogland Vukich – yes; Kenneth Simons – yes; Timothy Westlake – yes; Russell Yale – yes; and Robert Zondag – yes. Motion carried unanimously.

The Board convened into Closed Session at 8:36 a.m.

RECONVENE TO OPEN SESSION

MOTION: Michael Phillips moved, seconded by Carolyn Ogland Vukich, to reconvene in Open Session at 11:17 a.m. Motion carried unanimously.

Sridhar Vasudevan rejoined the meeting at 11:18 a.m.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION,
IF VOTING IS APPROPRIATE**

MOTION: Suresh Misra moved, seconded by Timothy Westlake, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

DELIBERATION ON ADMINISTRATIVE WARNINGS

14 MED 520 – J.P.K.

MOTION: Carolyn Ogland Vukich moved, seconded by Russell Yale, to issue an Administrative Warning in the matter of DLSC case number 14 MED 520 (J.P.K.). Motion carried unanimously.

**DELIBERATION ON PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS BY
THE DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC)**

11 MED 351 and 12 MED 224 – Siamak B. Arassi, M.D.

MOTION: Carolyn Ogland Vukich moved, seconded by Michael Phillips, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Siamak B. Arassi, M.D., DLSC case numbers 11 MED 351 and 12 MED 224. Motion carried unanimously.

Sridhar Vasudevan joined the meeting at 8:42 a.m.

13 MED 243 – Yasmin Safavi, M.D.

MOTION: Carolyn Ogland Vukich moved, seconded by Michael Phillips, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Yasmin Safavi, M.D., DLSC case number 13 MED 243. Motion carried unanimously.

13 MED 355 – Rajesh Malhotra, M.D.

MOTION: Carolyn Ogland Vukich moved, seconded by Robert Zondag, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Rajesh Malhotra, M.D., DLSC case number 13 MED 355. Motion carried unanimously.

13 MED 482 – Charles D. Pratt, M.D.

MOTION: Carolyn Ogland Vukich moved, seconded by Russell Yale, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Charles D. Pratt, M.D., DLSC case number 13 MED 482. Motion carried unanimously.

14 MED 041 – Carl R. Sunby, M.D.

MOTION: Rodney Erickson moved, seconded by Russell Yale, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Carl R. Sunby, M.D., DLSC case number 14 MED 041. Motion carried. Recused: Carolyn Ogland Vukich

(Carolyn Ogland Vukich recused herself and left the room for deliberation and voting in the matter of Carl R. Sunby, M.D., DLSC case number 14 MED 041.)

14 MED 440 – Gregory S. Keeling, M.D.

MOTION: Greg Collins moved, seconded by Michael Phillips, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Gregory S. Keeling, M.D., DLSC case number 14 MED 440. Motion carried unanimously.

14 MED 539 – Mon L. Yee, M.D.

MOTION: Timothy Westlake moved, seconded by Michael Phillips, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Mon L. Yee, M.D., DLSC case number 14 MED 539. Motion carried unanimously.

14 MED 592 – Thomas H. Williams, M.D.

MOTION: Timothy Westlake moved, seconded by Robert Zondag, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Thomas H. Williams, M.D., DLSC case number 14 MED 592. Motion carried unanimously.

15 MED 057 – Mark S. Ruttum, M.D.

MOTION: Greg Collins moved, seconded by Robert Zondag, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Mark S. Ruttum, M.D., DLSC case number 15 MED 057. Motion carried unanimously.

DELIBERATION ON CREDENTIALING MATTERS

Suresh Misra joined the meeting at 8:54 a.m.

Full Board Review – Donald Thomas

MOTION: Michael Phillips moved, seconded by Timothy Westlake, to deny the application of Donald Thomas, for a perfusionist license. **Reason for Denial:** Wis. Admin. Code § Med 10.03(c). Motion carried unanimously.

Review for Visiting Physician Licensure – Raphael Sacho, M.D.

MOTION: Michael Phillips moved, seconded by Russell Yale, to grant the application of Raphael Sacho, M.D., for a visiting physician license, once all requirements are met. Motion failed. Recused: Kenneth Simons

MOTION: Michael Phillips moved, seconded by Russell Yale, to grant the application of Raphael Sacho, M.D., for a visiting physician license, once all requirements are met. Motion carried. Recused: Kenneth Simons

(Kenneth Simons recused himself and left the room for deliberation and voting in the matter of Raphael Sacho, M.D.)

Application Review – My-My Huynh, M.D.

MOTION: Michael Phillips moved, seconded by Carolyn Ogland Vukich, to table the application of My-My Huynh, M.D. to a future meeting. Motion carried unanimously.

MOTION: Michael Phillips moved, seconded by Timothy Westlake, to pursue legislative change regarding competency and public protection. Motion carried unanimously.

**WAIVER OF THE 24 MONTHS OF ACGME APPROVED POST-GRADUATE TRAINING
BASED ON EDUCATION AND TRAINING**

Sarika Pamarthy, M.D.

MOTION: Mary Jo Capodice moved, seconded by Suresh Misra, to grant a waiver to the 24-month post-graduate training program accredited by the ACGME, to Sarika Pamarthy, M.D., per Wis. Stat. § 448.05(2)(c). Motion carried. Recused: Kenneth Simons

(Kenneth Simons recused himself and left the room for deliberation and voting in the matter of Sarika Pamarthy, M.D.)

Sridhar Vasudevan left the meeting at 9:45 a.m.

REVIEW OF ADMINISTRATIVE WARNING(S)**APPEARANCE – S.B.S. (WARN00000304) (DLSC case number 14 MED 116)**

MOTION: Michael Phillips moved, seconded by Carolyn Ogland Vukich, to rescind the Administrative Warning in the matter of DLSC case number 14 MED 116 (S.B.S.). Motion carried unanimously.

FULL BOARD ORAL INTERVIEW**APPEARANCE – Patrick Wycihowski, M.D.**

MOTION: Michael Phillips moved, seconded by Carolyn Ogland Vukich, to deny the application of Patrick Wycihowski, M.D., for license to practice medicine and surgery. **Reason for Denial:** Failure to possess the education and training required for licensure per Wis. Stat. § 448.06 (2). Motion carried unanimously.

PETITION FOR AMENDMENT OF ORDER – JOEL LUESKOW, P.A.

MOTION: Michael Phillips moved, seconded by Timothy Westlake, to grant the petition of Joel Lueskow, P.A. to amend the Board Order (04/20/2011). Motion carried unanimously.

DELIBERATION ON MONITORING MATTERS**Roman Berezovski, M.D. – Requesting Full Unrestricted License**

MOTION: Timothy Westlake moved, seconded by Michael Phillips, to deny the request of Roman Berezovski, M.D. for full licensure. **Reason for Denial:** Failure to comply with the terms of the Board Order (05/18/2011). Respondent must demonstrate continuous successful compliance for a period of at least five years, including 600 hours of active practice for every year the suspension is stayed. Motion carried unanimously.

John Edward Kelly, M.D. – Requesting Change in Drug Screens

MOTION: Greg Collins moved, seconded by Russell Yale, to grant the request of John Edward Kelly, M.D. for a reduction in drug screens to 25 per year and to continue SoberLink breathalyzer testing as required by the treater. Motion carried.
Recused: Michael Phillips and Timothy Westlake

(Michael Phillips and Timothy Westlake recused themselves and left the room for deliberation and voting in the matter of John Edward Kelly, M.D.)

Devinder Sidhu, M.D. – Requesting a Reduction in Drug Screens

MOTION: Mary Jo Capodice moved, seconded by Michael Phillips, to deny the request of Devinder Sidhu, M.D. for a reduction in drug screens. **Reason for Denial:** Respondent has had insufficient time in compliance with the Board Order (09/18/2013). Motion carried unanimously.

Barry Spiegel, D.O. – Requesting to Voluntarily Surrender License

MOTION: Timothy Westlake moved, seconded by Michael Phillips, to grant the request of Barry Spiegel, D.O. for the surrender of his license. Motion carried unanimously.

Andrew R. Wentzel, D.O. – Requesting to Voluntarily Surrender License

MOTION: Timothy Westlake moved, seconded by Greg Collins, to grant the request of Andrew R. Wentzel, D.O. for the surrender of his license. Motion carried unanimously.

CASE CLOSING(S)

MOTION: Robert Zondag moved, seconded by Mary Jo Capodice, to close the following cases according to the recommendations by the Division of Legal Services and Compliance:

1. 14 MED 059 – Prosecutorial Discretion (P3)
2. 14 MED 242 – No Violation (NV)
3. 14 MED 555 – No Violation (NV)
4. 14 MED 572 – No Violation (NV)
5. 15 MED 013 – No Violation (NV)
6. 15 MED 073 – No Violation (NV)
7. 15 MED 137 – Prosecutorial Discretion (P5 – Hold)
8. 15 MED 184 – Prosecutorial Discretion (P5 – Hold)

Motion carried unanimously.

13 MED 159 – A.E.G.

MOTION: Timothy Westlake moved, seconded by Suresh Misra, to close DLSC case number 13 MED 159, against A.E.G., for no violation (NV). Motion carried unanimously.

14 MED 271 – N.L.F.

MOTION: Michael Phillips moved, seconded by Rodney Erickson, to close DLSC case number 14 MED 271, against N.L.F., for no violation (NV). Motion carried unanimously.

15 MED 044 – J.G.

MOTION: Michael Phillips moved, seconded by Timothy Westlake, to close DLSC case number 15 MED 044, against J.G., no violation (NV). Motion carried.

15 MED 123 – B.L.K.

MOTION: Rodney Erickson moved, seconded by Mary Jo Capodice, to close DLSC case number 15 MED 123, against B.L.K., for no violation (NV). Motion carried unanimously.

15 MED 155 – M.W.B.

MOTION: Timothy Westlake moved, seconded by Michael Phillips, to close DLSC case number 15 MED 155, against M.W.B., for no violation (NV). Motion carried unanimously.

DELEGATION OF RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Mary Jo Capodice moved, seconded by Michael Phillips, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

Sridhar Vasudevan was excused from the meeting 11:25 a.m.

POSSIBLE BOARD RETREAT - DISCUSSION

MOTION: Timothy Westlake moved, seconded by Michael Phillips, to revisit the following items at a future meeting:

1. Examination of targeted CME, prescriptive guidelines, and targeted mandatory PDMP access
2. Maintenance of licensure
3. Board strategic plan
4. Reentry to practice
5. Professional resource list.
6. Review of the disciplinary process

Motion carried unanimously.

ADJOURNMENT

MOTION: Suresh Misra moved, seconded by Robert Zondag, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:27 a.m.